

**MINUTES
of the
SIXTH MEETING
of the
LAND GRANT COMMITTEE**

**November 28, 2007
Room 309, State Capitol
Santa Fe**

The sixth meeting of the Land Grant Committee (LGC) for the 2007 interim was called to order by Representative Miguel P. Garcia, chair, on Wednesday, November 28, 2007 at 10:25 a.m. in Room 309 of the State Capitol in Santa Fe.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Rod Adair
Rep. Paul C. Bandy
Rep. Thomas A. Garcia
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Sen. Joseph J. Carraro
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Sen. Carlos R. Cisneros
Rep. Ben Lujan
Sen. Bernadette M. Sanchez

Rep. Justine Fox-Young
Sen. Phil A. Griego
Sen. William E. Sharer
Rep. Eric A. Youngberg

Staff

Jon Boller, Legislative Council Service (LCS)
Kate Ferlic, LCS
Tamar Stieber, LCS

Guests

The guest list is in the meeting file.

Handouts

All handouts are in the meeting file.

After calling the meeting to order, Representative Miguel Garcia asked for a moment of silence in memory of Representative Manuel G. Herrera, a committee member who died in October after a long battle with cancer. Representative Garcia described Representative Herrera as a "a real dedicated gentleman" and a "strong legislative advocate" for land grant communities.

Representative Miguel Garcia announced that it was Representative Rodella's birthday and that the majority leader of the House of Representatives would provide lunch in her honor.

Minutes

The committee unanimously adopted the minutes from the August 20-21, 2007 meeting in Truchas; the September 6-7, 2007 meeting in Chama; and the October 11-12, 2007 meeting in Dilia.

Committee Member Changes

Representative Miguel Garcia announced that Representatives Bandy and Thomas Garcia would change from advisory members to voting members, beginning with that day's meeting. Representative Miguel Garcia said Representative Bandy has been a "very good addition" to the committee particularly because of his agricultural background — he is a rancher — and his familiarity with the federal Bureau of Land Management (BLM).

United States Forest Service Programs and Issues

John Bruin, acting director of lands and minerals for the southwestern region of the United States Forest Service (USFS), a division of the United States Department of Agriculture, and Art Morrison, legislative affairs coordinator for the southwestern region, appeared before the committee to respond to the following questions:

1. Does the USFS use cooperative agreements or any other formal agreements to work with land grant groups, given that many are land grants with political subdivision status?
2. Are there any USFS proposals for disposal of land? If so, where and what is the process?
3. Does the USFS have policies or programs allowing special forest access to land grant heirs? Give examples.

In answer to question No. 1, Mr. Bruin said the State and Private Forestry Branch of the USFS provides funding to the New Mexico State Forestry Division that may be used for forest lands within land grants. Some land grants may also be available for forestry assistance through the Cooperative Forestry and Forest Health Programs or the Competitive Allocation Process which are under the purview of the New Mexico state forester.

Mr. Bruin said the Cooperative and International Forestry (CIF) staff of the USFS's southwestern region provides technical and financial assistance to state, tribal, community and private landowners and resource managers to achieve "natural resource objectives" such as forest restoration and to provide community-based opportunities in and adjacent to the national forests. He said the CIF staff administers Forest Product Lab grants, Collaborative Forest Restoration Program (CFRP) grants and Wildland Urban Interface grants. Through a partnership program, the CIF staff also aids in "nurturing the connection" between sustainable forests, sustainable communities and sustainable industry, he said.

Mr. Bruin said that while the USFS does not have a specific cooperative agreement with land grants, the CFRP has benefited several land grants that are included in a document he provided to the committee called the 2001-2007 Collaborative Forest Restoration Program Project Summaries and Contact Information.

Responding to question No. 2, Mr. Bruin said the USFS can only enter into real estate transactions with federal authorization, and that currently the USFS has limited authority to sell national forest lands. When it does enter into real estate transactions, the USFS must adhere to very specific criteria or identify only a small number of properties for sale in a limited geographical area. For example, he said, the Small Tract Act and the Townsite Act both give the USFS authority to conduct real estate transactions. The Small Tract Act addresses inadvertent trespass on national forest lands, he said, while the Townsite Act allows the sale of up to 640 acres at fair market value to counties, cities or other local governmental subdivisions.

In response to the last question, Mr. Bruin said the USFS does not have any specific policies or programs that provide exclusive forest use to land grant heirs.

Representative Miguel Garcia asked if the USFS has a "demographic overlay" of USFS lands showing how they overlap lands that once were community grant lands and whether the USFS has done that sort of mapping. Mr. Bruin said the USFS has maps for each of the national forests, many of which identify boundaries of former and current land grants. He said he is not aware of a statewide map, other than an attempt by the Office of the Inspector General to put all those maps together.

Representative Miguel Garcia asked about USFS wood harvesting programs for communities and particularly for political subdivisions. Mr. Bruin said each national forest manages its own fuel wood program and that most require some sort of payment to harvest wood, unless a forest needs immediate cleanup.

Representative Miguel Garcia said he wanted to share with Mr. Bruin and Mr. Morrison some of the initiatives the state legislature has taken to elevate the status of land grants, including the right of first refusal for land grants with political subdivision status to purchase state-owned property within their boundaries and the right to match the highest bid for private land put up for sale at public auction. He added that he hopes that there are avenues where the USFS can give land grants a kind of favored neighbor status or favored governmental status, and

that the committee would encourage that. He said that in Chama, the BLM has cooperative entity agreements worked out with political subdivisions that involve them in the management and land transfer decision-making on BLM property. Noting the sometimes rocky relationship between land grants and the USFS, Representative Miguel Garcia encouraged the USFS to follow the state's lead in recognizing their historical value and the cultural and economic viability of these communities.

Asked about the Collaborative Forest Restoration Program, Mr. Bruin explained that Walter Dunn handled the program and outlined how it worked. He said there is a review board that makes recommendations to the USFS on which projects should be funded and that the program is unique to New Mexico. Representative Hall suggested that information about the program needs to be distributed to the land grants.

Representative Rodella asked whether the USFS is encroaching on common lands in the Truchas area. Mr. Bruin replied that he used to work out of the ranger district there and that he understood that, at that time, from the USFS perspective, the boundaries were based on historical documents. He suggested talking to the district ranger in that area about the problem. Representative Rodella requested that the USFS have a liaison provide information on the various programs that are available to the land grants. She said it would be beneficial to the USFS to get a list of land grants from the state to ensure that they could be notified of application deadlines for those programs. Representative Rodella also expressed concern about elk management issues on federal and state lands and access to a historic cemetery by heirs to the San Joaquin del Rio de Chama Land Grant.

Other issues raised by the committee concerned access to firewood and maintenance of forest service roads. Mr. Morrison said that the USFS will be revising its management plan over the next two years and that he hoped the lands grant community would participate in the process.

Public Comment

Roberto Mondragon, former lieutenant governor and president of the board of directors of the Anton Chico Land Grant, commented that between 16,000 and 17,000 acres of the national forest was originally part of the Anton Chico Land Grant. He said that Congress is attempting to answer issues that have to do with land grants generally, and that the land grant proponents all realize that and are stepping back and hoping that the congressional delegation addresses these issues and returns some of the lands or sets up a commission and a trust fund so that all land grants can have an equal opportunity to retrieve some of their lands. He observed that, in looking at the forest restoration program projects, it appears that a considerable amount of money was given over the past seven years. He asked how many of the restoration projects listed in the handout were in conjunction with land grants.

Mr. Bruin answered that it was his understanding that it was about 2005 or so when the state granted political subdivision status to land grants, and that prior to that time, they were not eligible for this program. He said it is a very competitive process, which can take two or three years.

Mr. Mondragon said he thought that forest service programs do in fact offer land grants that are political subdivisions a great opportunity to work with the USFS. Mr. Mondragon asked about the possibility of access and working toward an agreement similar to that of the Sangre de Cristo Land Grant in southern Colorado.

Mr. Bruin said the USFS does look at things that are broad in nature, but that its charge is from the national level, so it cannot highlight one group versus another. The USFS tries to provide access so that a land grant can still get into an area, but as far as any kind of transfer of land, the USFS does not have that authority.

Juan Sanchez, president of the board of trustees of the Chilili Land Grant, said he was very familiar with the CFRP grants, because the land grant had applied several times for the program. He said that he has applied every year, but his application has never been accepted. He asked Mr. Bruin to talk to Walter Dunn and see if it is possible to get a land grant heir on the review board, not only for land grants to get more informed, but also to bring more cooperation between land grants and the USFS. Mr. Sanchez asked whether or not land grants need to follow the National Environmental Policy Act of 1969 (NEPA) process when applying for CFRP grants, and suggested changes in law to allow grantees specific rights within forest lands. He said he thought that now that land grants are recognized units of governments, there could be more cooperative management of forest lands to the benefit of both parties.

Leonard Martinez, president of the board of trustees of the San Joaquin del Rio de Chama Land Grant, reported on the land grant's cemetery, which is located on USFS land near the Chama River. He reminded the committee of its visit to the cemetery during its meeting in Gallina. He said that access is still an issue, and though the board has a key borrowed from the USFS, that there is supposed to be another space there for a lock and that there is still no resolution to the problem. The land grant has been waiting two years for a NEPA study on fencing the cemetery so that it looks natural to the terrain, he said, but that is still not done. As for wood harvesting, he said the board proposes to register and submit a list of land grant heirs to get permits for five cords of wood each. The USFS authorized five cords of wood, but from a different place from the San Joaquin del Rio de Chama Land Grant. He noted that the USFS charges \$20 for a cord of wood.

Several committee members encouraged the USFS to establish a land grant liaison position to help facilitate better communication between the forest service hierarchy and land grants. Speaker Lujan suggested that perhaps the forest service could enter into a memorandum of understanding (MOU) with a land grant, as they do with pueblos. He said that Regis Pecos, who works for the speaker and is familiar with these MOUs, would get that information and work with Mr. Boller to get it to the land grants. The committee approved without objection a motion by the speaker to do so.

Roberto Mondragon played guitar and led the committee and audience in a song wishing Representative Rodella a happy birthday.

State Historian Digital History Project

State Historian Estevan Rael-Galvez explained that the Office of State Historian is a division of the State Records Center and Archives and is staffed by himself and Dr. Dennis Trujillo, along with a half-time clerk. Rosa Weiss, a student intern in the state historian's office, accompanied Dr. Rael-Galvez and Dr. Trujillo.

Dr. Rael-Galvez outlined the duties of the state historian and stressed the need for greater access to information, noting that knowledge is often a privileged commodity. He said his mission is to foster and facilitate a greater understanding and appreciation of New Mexico's history and culture and make it possible to access historical records and information via the internet. Dr. Rael-Galvez then gave an extensive tour of the state historian website, explained how the digital history project works and described the Scholar's Program, Legacy Project and Service Learning Student Internship Program. He said that by digitizing video files, audio files and texts from the state archives, these records are being made available to schools, libraries and individual homes throughout the state and worldwide.

Committee members asked if the Office of the State Historian was working with the University of New Mexico (UNM) in carrying out its projects, and if its work would be a good fit with the proposed Land Grant Studies Program. Dr. Trujillo and Dr. Rael-Galvez replied that UNM was a great resource and that their office worked with students in UNM's American Studies program and that the office's collaboration with UNM is wonderful. He said UNM also has a tremendous treasure trove of documents, including the Thomas Catron collection. In terms of the appropriation requested, he said the funding would be used to digitize, because his office does not have anyone on staff who can take the time to sit and scan records all day. The goal is to have as many of those records digitized as possible, including but not limited to land grant records, he explained.

Speaker Lujan expressed support for the project to continue, and suggested that everyone on the committee commit to supporting separate \$15,000 appropriations to the program during the next legislative session. Representative Miguel Garcia suggested that the individual committee members should introduce bills for \$25,000 each to support the program and work together during the session to modify their requests, if necessary, to have the total appropriation equal the requested \$150,000. The committee endorsed the concept without objection.

Update on Issues and Endorsement of Legislation

Land Grant Studies Program

Manuel Garcia y Griego, associate professor of history and director of the Southwest

Hispanic Research Institute at UNM, talked briefly about the history of the proposed land grant studies program. He noted that the committee endorsed a bill about a year ago to establish a land grant studies program at UNM. The bill did not pass, he explained, in part because it was not on UNM's priority list. This year, he said, the regents voted in August to make the program a priority.

Dr. Garcia y Griego reviewed how the program would function and why funding is necessary to get the program started. The committee endorsed an appropriation of \$125,000 without objection. Senator Sanchez offered to sponsor the bill, with Representative Rodella being the primary co-sponsor in the House.

Records and Archives Title Abstract Project

Dr. Rael-Galvez appeared on behalf of Sandra Jaramillo, state records administrator, and gave an update on the \$45,000 appropriation given to the State Records and Archives last session to conduct title abstracts on state lands that were formerly part of a Spanish or Mexican community land grant. Dr. Rael-Galvez explained that Ms. Jaramillo and Representative Miguel Garcia had met to discuss and determine which of the properties should be prioritized for further assessment based on Mr. Torrez' 2006 survey. It was determined that the properties to be researched should be located within the land grants that are subject to Chapter 49, Article 1 NMSA 1978 and that are registered with the secretary of state. Dr. Rael-Galvez distributed a list of the targeted properties to the committee.

Department of Game and Fish Transfer of Land to Abiquiú.

Patrick Block, assistant director of the Department of Game and Fish, updated the committee on a proposal to transfer administratively a small parcel of land near the Abiquiú tract back to the Abiquiú land grant. He informed the committee that the request will be presented to the State Game Commission at its December 12 meeting in Roswell. He noted that, if successful, the department might ask for a resolution from the legislature approving transfer of the property. He also mentioned that the department had initiated communication with the Department of Transportation to request that deed restrictions on the parcel be lifted.

The committee approved a motion to write a letter to the State Game Commission in support of the transfer, along with a draft resolution for the session in case one is needed. Representative Rodella will carry the resolution if needed, with Senator Martinez as the primary co-sponsor in the Senate. Representative Thomas Garcia suggested having a formal ceremony marking the transfer. The committee approved a motion to include that request in the letter to the commission.

Atrisco Land Grant Update

Jerome Padilla, president of the Atrisco board of trustees, and Richard Griego, secretary of the board of trustees, asked the committee to consider legislation that would reconstitute the Atrisco Land Grant and give the grant political subdivision status. They suggested that legislation similar to that making the Tomé land grant a political subdivision would be

appropriate. Senator Sanchez questioned whether that type of bill would work in this case, because Tomé and Atrisco did not appear to have gone through the same process of land loss. Mr. Boller agreed with Senator Sanchez, who said she was not necessarily opposing the legislation, but wanted to make sure that this was the right piece of legislation. Mr. Padilla said that is why he and Dr. Griego came to the committee, to get support and legislation to put the Atrisco Land Grant back on the map.

A discussion ensued concerning the relationship between the board of trustees and the Atrisco Heritage Foundation. Mr. Padilla and Dr. Griego expressed concerns about the scope of the foundation's mission, and said they feel there is a need for an independent body to represent all the heirs of the land grant. Speaker Lujan expressed reservations about supporting a proposition that may not have the support of all heirs to the grant. He said it appears that Mr. Padilla and others had been in contact with the foundation, but that there has not been any real dialogue about what everyone is trying to achieve. Asked whether he had presented his proposition to representatives of the foundation before coming to the committee, Mr. Padilla said the concept was put out to the Atrisco community, and that it is not his intention to divide the community, but to bring it together.

Several members of the committee expressed reservations about moving forward with a bill this session. Representative Miguel Garcia said it was his sense from the committee that it would be better to look at this issue next interim, when the committee would have a little more time to deal with more specific detail.

Legislation

Arturo Archuleta and Juan Sanchez presented two bills to the committee. The first provided for clarification of the election provisions for land grant boards of trustees. The bill would make it clear that land grants may, but are not required to, provide for early and absentee voting. After discussion, the committee adopted a motion to look at the Election Code question next interim.

Mr. Archuleta then presented the Land Grant Support Act bill. The committee voted to strip the bill of its substantive sections and just to appropriate \$75,000 to the North Central New Mexico Economic Development District to provide services to the land grant community. Representatives Rodella and Miguel Garcia will sponsor the bill.

Mr. Archuleta informed the committee that Esther Garcia of the San Antonio del Rio Colorado Land Grant had to leave the meeting, but she desired a joint memorial to Congress expressing support for the adjudication of those land grants that got stuck in the legislative process and that remain unadjudicated. The committee adopted a motion to endorse the concept and have it drafted when the requester gets the necessary information to Mr. Boller.

The committee adjourned at 3:55 p.m.

